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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,120	03/03/2000	David L Robinson	0739D-000074	7587

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/518,120

Applicant(s)

ROBINSON ET AL.

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 10, 11, 13, 14, 16-20 and 23-38 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-5, 7, 8, 10, 11, 13, 14, 16-20, 23-38 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 June 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 18-20, and 29-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 18 recites the limitation "its" in line 12. There is insufficient antecedent basis for this limitation in the claim.
4. Regarding claims 29, the phrase "coupled to the other of said side rail and said support rail" in line 9 is unclear rendering the scope of the claim indefinite.
5. Regarding claims 32, the phrase "coupled to the other of the seat back and the seat bottom" in lines 13-14 is unclear rendering the scope of the claim indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 13, 16, 23, 27, 32, and 34, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,718,482 to Robinson.

Robinson discloses a recliner mechanism that includes all the limitations recited in claims 13, 16, 23, 27, 32, and 34, as best understood. Robinson shows a recliner mechanism having a housing 24 (Fig. 1) coupled to the seat bottom, a latching mechanism 88 (Fig. 4), a guide mechanism 136 (Fig. 4), and a recliner rod 64 (Fig. 1) that has a five sided body with first and second ends and planar top and bottom flats, a paddle 68 (Fig. 1) formed at the second end, an integrally formed stop 66 (Fig. 1) at the first end, and a plurality of teeth 82 (Fig. 4) on the top flat.

8. Claims 23, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,344,215 to Dahlbacka.

Dahlbacka discloses a recliner mechanism that includes all the limitation recited in claims 23, 27, and 28. Dahlbacka shows a recliner mechanism that includes a housing 56 (Fig. 3) and guide mechanism 62 (Fig. 3), a latching mechanism 74 (Fig. 3), and a five sided recliner rod 54 (Fig. 3) having first and second ends, planar top and bottom flats, and a plurality of teeth 72 (Fig. 3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3, 5, 8, 10, 11, 16, 17, 24, 25, 29-31, and 35, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of U.S. Patent No 5,299,853 to Griswold et al.

Robinson discloses a recliner mechanism that is basically the same as that recited in claims 1-3, 5, 8, 10, 11, 16, 17, 24, 25, 29-31, and 35, as best understood, except the mechanism is oriented on the seat bottom rather than the seat back, as recited in the claims. Griswold et al. shows a recliner mechanism similar to that of Robinson wherein the recliner mechanism embodiments have the housing 30 (Fig. 5), recliner rod 32 (Fig. 5), and latch mechanism 82 (Fig. 5) secured to the seat bottom (see Figure 1) as well as the seat back (See Figure 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recliner mechanism of Robinson such that the seat recliner is secured to the seat back and, as a result, the stop engages the housing when seat back is fully reclined, such as the recline mechanism disclosed in Griswold et al. One would have been motivated to make such a modification in view of the suggestion in Griswold et al. that the embodiment having the recliner mechanism in the seat back provides added strength to the seat back in the event the shoulder seat belt is mounted to the seat back.

11. Claims 4, 7, 14, 26, 28, and 33, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Griswold et al. as applied to claims 1-3, 5, 8, 10, 11, 16, 17, 24, 25, 29-31, and 35, as best understood above, and further in view of Dahlbacka.

Robinson, as modified, discloses a recliner mechanism that is basically the same as that recited in claims 7, 14, 28, and 33, as best understood, except that the recliner rod is not flat from the first end to the second end, as recited in the claims. Dahlbacka shows a recliner mechanism similar to that of Robinson wherein the recliner rod has top and bottom flats that extend from the first end to the second end (see Figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the recliner mechanism of Robinson such that the top and bottom flats extend between the first and second ends, such as the recliner mechanism disclosed in Dahlbacka. One would have been motivated to make such a modification in view of the suggestion in Dahlbacka that the recliner mechanism having a rectangular cross section recliner rod is easy and quick to assemble.

Robinson, as modified, discloses a recliner mechanism that is basically the same as that recited in claims 4 and 26 except that the rod cross section has a rectangular shape, as opposed to a hexagonal shape. However, it would have been an obvious matter of design choice to make the specific hexagonal cross sectional shape, since such a modification would have involved a mere change in shape of the rod and the disclosure acknowledges that a hexagonal cross section and a rectangular cross section are equally superior to a cylindrical cross section rod to ease the task of fixturing and retaining the recliner rod. A change in shape is generally recognized as being within the level of ordinary skill in the art.

12. Claims 18-20 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

Robinson teaches all the limitations of claims 18-20 and 36-38 except the method of forming the recliner rod is not set forth. Although the method of forming is not specifically recited, forming metal rods using extrusion and coining techniques would have been obvious to one having ordinary skill at the time of applicant's invention as a matter of engineering choice. One would have been motivated to make such a modification for cost effective purposes.

Response to Arguments

13. Applicant's arguments filed 07 May 2002 have been fully considered but are moot in view of the new ground(s) of rejection. Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 1-5, 7, 8, 10, 11, 13, 14, 16-20 and rejects new claims 23-38.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to recliner mechanisms:

U.S. Pat. No. 3,328,076 to Naef

U.S. Pat. No. 3,356,411 to Homier et al.


U.S. Pat. No. 6,017,090 to Bonk

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE

August 16, 2002


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600